



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH-KANOPOLIS REGULATORY FIELD OFFICE
107 RIVERSIDE DRIVE
MARQUETTE, KANSAS 67464

February 18, 2014

REPLY TO
ATTENTION OF:

Kanopolis Regulatory Field Office
(NWK-2014-00195)

Christopher Leiker
Black Tea Oil, L.L.C.
1101 Centennial Boulevard
Hays, Kansas 67601

Dear Mr. Leiker,

This is in regards to information that we received from the Kansas Department of Health and Environment concerning your application for oil drilling that you submitted to the Kansas Corporation Commission. The proposed site is located in the channel of the Smoky Hill River in Section 27, Township 14 south, Range 32 west, in Logan County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (Title 33 United States Code Section 1344). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332.

Based on the information we have reviewed, it appears that this project as described would result in the discharge of dredged or fill material below the ordinary high water mark of the Smoky Hill River, a jurisdictional water of the United States. As a result your proposed oil drilling activities would likely require an individual Department of the Army Permit. The permitting of these types of projects requires a public interest review involving the coordination with state and Federal resource agencies.

A DA permit application form and instruction sheet is enclosed. In order for an application to be complete, the following must be included:

- A completed and signed application for a DA permit application form (ENG FORM 4345).
- Project plans and drawing that include a location map, plan view sketch, and typical cross section sketch. All plans must include project dimension and should be on 8 ½ x

11 inch white paper.

- A proposed mitigation plan that addresses the minimization, avoidance and/or mitigation for all of the unavoidable stream and wetland impacts.

Federal regulations require that a DA permit be issued by the Corps of Engineers prior to the initiation of any construction on the portion of a proposed activity which is within the Corps' regulatory jurisdiction.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at: <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

The Corps would meet with you onsite to determine permit requirements and assist you with the permit process. To schedule a meeting, please contact me at 785-546-2130 (FAX 785-546-2050). Please reference No. 2014-00195 in all comments and/or inquiries relating to this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke M. Cory". The signature is fluid and cursive, with the first name "Luke" and last name "Cory" clearly distinguishable.

Luke M. Cory
Regulatory Project Manager
Kanopolis Regulatory Field Office